IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4754 OF 2003

Union of India and Ors. ...Petitioners

Versus

Narendra Haribhau Mhatre ...Respondent

Mr. Vinay Masurkar with Mrs. Neeta V.Masurkar, instructed by G.C. Mishra for the petitioners.

Mr. R.S. Datar for the respondent.

CORAM: **H.S. BEDI, C.J.,** &
V.M. KANADE, J.

DATE: **OCTOBER 11, 2006**.

P.C.

With the consent of the learned counsel for the parties, the order dated 10th February, 2003, passed by the Central Administrative Tribunal in Original Application No. 260 of 2001 is set aside. It has been pointed out by the learned counsel for the respondent that even accepting the case of the department to be correct, a sum of only Rs.600/- had been defalcated by the respondent and he had very candidly admitted this fact in his statement recorded way back in the year 1992 and as such some penalty short of dismissal or termination

from service should be given to him.

2. In this view of the mater, we are of the opinion that the Department should have a fresh look at the respondent's case in the light of the statement made by the learned counsel for the respondent and take a decision on the matter.

3. Writ petition is allowed in the above terms. We also direct the Department to take a final decision within a period of four weeks from the date of receipt of this order.

CHIEF JUSTICE

V.M. KANADE, J.